Village of Canal Winchester 36 South High Street Canal Winchester, OH 43110-1213

Village Council August 6, 2007 To immediately follow Public Hearings

Minutes

Call to Order:

The Council of the Village of Canal Winchester met on the above date for its regularly scheduled meeting and was called to order by Dr. Bender.

Pledge of Allegiance:

Lead by Mr. Paini

Roll Call:

Present for roll call was: Dr. Bender, Mr. Donahue, Ms. Eisnaugle, Mr. Jarvis, Ms. Mershon,

Mr. Paini and Ms. Turner

Approval of Minutes:

Mr. Donahue moved to approve the minutes of the July 16, 2007 Regular Council meeting, July 16, 2007 Public Hearings. Ms. Mershon seconded the motion. Motion carried.

VOTE: AYES: Mr. Donahue, Ms. Mershon, Ms. Eisnaugle, Ms. Turner, Mr. Paini,

Mr. Jarvis, Dr. Bender

NAYS:

Communications & Petitions:

Hometown Hero presentation is given to honor Mr. Mike Porhille, a WWII veteran, VFW member, volunteer, and active community member. He is presented with an American flag from the Franklin County Veterans Service Commission

Enclosed in packets are copies of the letter from James W. Rarey regarding the zoning of the Henrietta Pfeifer property on Winchester Pike and the grant request from Friends for Life Animal Haven for \$4,700.00.

Village Residents Comments:

John Garrett of 250 Cherokee Ct. discussed the effort for branding the community so that businesses may unite under the logo. He encouraged the council to consider adopting the new logo.

Tony Note of 126 E. Columbus St. supports the child sex-offender ordinance. He hopes to hear how the ordinance will be enforced. Additionally, he expresses concern regarding the safety of the usage of golf carts on the streets. Finally, he disagrees with the branding proposal; specifically, he would like to see the historical canals represented in the logo. He recommends enlisting the assistance of marketing specialists to redesign the illustration.

Jeanette Schneider of 153 E. Waterloo St. describes the historical importance of the canal, disagreeing with its omission from the logo. Also, she mentions that eight out of the nine historical society trustees are not in favor of the branding law.

Mary Jane Metcalf of 7188 Charleton Ct. expressed her support and personal experience with the Friends for Life Animal Haven. In addition, she is not in support of the logo. Logos across the town will have to be replaced. She also has not heard of the city's art guild being involved in any way, which she believes would have been appropriate.

Frances Steube of 35 Kramer St. discussed her disapproval of using the railroad over the canal to represent the village. She also believes that it is appropriate for individual businesses such as the historical society to have separate logos.

Jeffrey Bond of 36 Washington St, d addresses the logo issue. He thinks that the designers made a great, creative effort in the logo, and he is neither for nor against it, although he recognizes the need for it. He suspects underlying political currents within the debate.

John Demkowicz of 70 E. Columbus St. addressed the golf cart issue. He reviews the operation costs of charging the electric golf carts as well as the pollution effects. He strongly opposes the ordinance for ecological, economic, and safety reasons.

James Boltzer of 6342 Streams End Dr. proposes the motto "Experience the Heritage, Embrace the Future." He agrees with Mr. Demkowicz about the dangers of golf carts. However, he thinks that a compromise can be achieved for those who need to use the golf carts to get around.

Melanie White of 7850 Brooks Bend Ct. tells the council of an individual she knows who has a golf cart that has safety features, and she says that the risk of injury is assumed by the operator and is a matter of personal choice.

ORDINANCES:

1st Reading

Sponsor: Ms. Mershon

O-08-07A

AN ORDINANCE TO AMEND CHAPTER 1141 AND PORTIONS OF CHAPTERS 1143, 1145 AND 1147 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF CANAL WINCHESTER TO ENACT REVISIONS TO THE ZONING CODE.

Ms. Mershon gave the first reading of the above draft ordinance. Motion to amend section 1141.11b, section 1143.05e rezoning and code amendment, section 1145.06a conditional use permit appeals, section 1147.07a, variance appeals to require a simple majority rather than a ¾ majority to modify or reverse a zoning decision. Ms. Mershon moved to make amendments and was seconded by Mr. Donahue. All ayes, motion carried.

VOTE: AYES: Ms. Mershon, Mr. Donahue, Ms. Turner, Mr. Paini, Mr. Jarvis,

Ms. Eisnaugle, Dr. Bender

NAYS:

Sponsor: Mr. Donahue

O-08-07B AN ORDINANCE TO AMEND CHAPTER 1177 OF THE CODIFIED ORDINANCES

OF THE VILLAGE OF CANAL WINCHESTER.

Mr. Donahue gave the first reading of the above draft ordinance.

Sponsor: Mr. Donahue

O-08-07C AN ORDINANCE AUTHORIZING THE VILLAGE OF CANAL WINCHESTER,

OHIO TO EXECUTE AND DELIVER A CONTRACTING POLITICAL SUBDIVISIONS AGREEMENT AND GIVING APPLICABLE ELECTED

PREPRESENTATIVE APPROVAL IN CONNECTION WITH THE ISSUANCE OF REVENUE BONDS OF THE COUNTY OF MARION, OHIO, AND AUTHORIZING OTHER DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF SUCH

BONDS AND DECLARING AN EMERGENCY.

Mr. Donahue gave the first reading of the above draft ordinance. Nanisa Osborn commented on its emergency nature.

Sponsor: Ms. Mershon

O-08-07D AN ORDINANCE TO AUTHORIZE THE FINANCE DIRECTOR TO CREATE A

LAW ENFORCEMENT SPECIAL REVENUE FUND.

Ms. Mershon gave the first reading of the above draft ordinance. Ms. Mershon moved to

waive the second and third readings and was seconded by Mr. Donahue.

VOTE: AYES: Ms. Mershon, Mr. Donahue, Dr. Bender, Ms. Eisnaugle, Mr. Jarvis

NAYS: Mr. Paini, Ms. Turner

Ms. Mershon moved to adopt Ordinance 44-07 and was seconded by Mr. Donahue.

Motion carried 5-2.

VOTE: AYES: Ms. Mershon, Mr. Donahue, Dr. Bender, Ms. Eisnaugle, Mr. Jarvis

NAYS: Mr. Paini, Ms. Turner

Sponsor: Ms. Mershon

O-08-07E AN ORDINANCE TO REPEAL EXISTING CHAPTER 333.04 OF THE VILLAGE

CODE, TO ADOPT NEW CHAPTER 333.04 OF THE VILLAGE CODE REGARDING STOPPING VEHICLE; SLOW SPEED; POSTED MINIMUM SPEEDS, AND

DECLARING AN EMERGENCY.

The goal of the emergency is to allow the golf carts for Labor Day.

Ms. Mershon gave the first reading of the above draft ordinance. Ms. Mershon moved to suspend the rules and declare an emergency and was seconded by Mr. Jarvis. Motion

carried 6 - 1.

VOTE: AYES: Ms. Mershon, Mr. Jarvis, Dr. Bender, Mr. Donahue, Ms. Eisnaugle,

Mr. Paini

NAYS: Ms. Turner

Ms. Mershon moved to adopt Ordinance 45-07 and was seconded by Ms. Eisnaugle.

Motion carried 6 - 1.

VOTE: AYES: Ms. Mershon, Ms. Eisnaugle, Dr. Bender, Mr. Donahue, Mr. Jarvis,

Mr. Paini

NAYS: Ms. Turner

Sponsor: Ms. Mershon

O-08-07F TO ESTABLISH THE REGISTRATION FEE FOR UNDER-SPEED VEHICLES

INCLUDING GOLF CARTS AND DECLARING AN EMERGENCY.

Ms. Mershon gave the first reading of the above draft ordinance. Ms. Mershon moved to suspend the rules and declare an emergency and was seconded by Ms. Eisnaugle. All

ayes, motion carried.

VOTE: AYES: Ms. Mershon, Ms. Eisnaugle, Dr. Bender, Mr. Donahue, Mr. Jarvis,

Mr. Paini, Ms. Turner

NAYS:

Ms. Mershon moved to adopt Ordinance 46-07. The motion was seconded by Ms.

Eisnaugle. All ayes, motion carried.

VOTE: AYES: Ms. Mershon, Ms. Eisnaugle, Dr. Bender, Mr. Donahue, Mr. Jarvis,

Mr. Paini, Ms. Turner

NAYS:

Sponsor: Mr. Jarvis

O-08-07G

AN ORDINANCE ESTABLISHING A PROHIBITION OF PERSONS WHO HAVE BEEN CONVICTED OF, ARE CONVICTED OF, WHO HAVE PLEADED GUILTY TO, OR WHO PLEAD GUILTY TO EITHER (1) A SEXUALLY ORIENTED OFFENSE THAT IS NOT A REGISTRATION-EXEMPT SEXUALLY ORIENTED OFFENSE FOR A CRIME COMMITTED AGAINST A CHILD OR (2) A CHILD-VICTIM ORIENTED OFFENSE; AND WHO HAVE BEEN CLASSIFIED AS EITHER A SEXUAL PREDATOR OR AS A SEXUALLY ORIENTED OFFENDER AS TO EITHER (1) OR (2) ABOVE, FROM ESTABLISHING A RESIDENCE OR OCCUPYING RESIDENTIAL PREMISES WITHIN ONE THOUSAND (1,000) FEET OF ANY PUBLIC OR PRIVATE SCHOOL PREMISE, LICENSED DAY CARE FACILITY, PRE-SCHOOL, VILLAGE-OWNED OR OPERATED PUBLIC PARK OR PLAYGROUND, LIBRARY, OR PUBLIC SWIMMING POOL, AND DECLARING AN EMERGENCY.

Mr. Jarvis moves to suspend the rules, is seconded by Ms. Mershon, and then withdraws. Mr. Donahue asked if it could be changed to 1,500 feet and see mapping of the affected areas. Federal laws will be reviewed and maps will be prepared. Mr. Jarvis gave the first reading of the above draft ordinance.

2nd Reading

Sponsor: Ms. Turner

O-07-07F AN ORDINANCE TO AUTHORIZE THE MAYOR AND FINANCE DIRECTOR TO

ENTER INTO A DEPOSITORY AGREEMENT WITH THE HUNTINGTON

NATIONAL BANK FOR THE DEPOSIT OF PUBLIC FUNDS.

Ms. Turner gave the second reading of the above draft ordinance.

3rd Reading

Sponsor: Mr. Jarvis

O-07-07A AN ORDINANCE TO AMEND THE 2007 APPROPRIATION ORDINANCE 90-06.

Mr. Jarvis gave the third reading of the above draft ordinance.

Mr. Jarvis moved to adopt ordinance 47-07 and was seconded by Mr. Donahue. All ayes,

motion carried.

VOTE: AYES: Mr. Jarvis, Mr. Donahue, Dr. Bender, Ms. Turner, Ms. Eisnaugle,

Ms. Mershon, Mr. Paini

NAYS:

Sponsor: Mr. Paini

O-07-07B AN ORDINANCE AUTHORIZING THE MAYOR TO SEEK FINANCIAL

ASSISTANCE FROM THE SCIP/LTIP FOR FUNDING OF A CAPITAL INFRASTRUCTURE IMPROVEMENT PROJECT, THRUSH DRIVE

RECONSTRUCTION PHASE II.

Mr. Paini gave the third reading of the above draft ordinance.

Mr. Paini moved to adopt ordinance 48-07 and was seconded by Ms. Mershon. All ayes,

motion carried.

VOTE: AYES: Mr. Paini, Ms. Mershon, Mr. Donahue, Ms. Turner, Mr. Jarvis,

Ms. Eisnaugle, Dr. Bender

NAYS:

Sponsor: Mr. Paini

O-07-07E AN ORDINANCE TO AUTHORIZE THE ISSUANCE OF A PERMIT TO THE

MADISON TOWNSHIP FIREFIGHTERS LOCAL 2507 TO SOLICIT CHARITABLE

CONTRIBUTIONS FROM THE OCCUPANTS OF VEHICLES FOR THE

MUSCULAR DYSTROPHY ASSOCIATION.

Mr. Paini gave the third reading of the above draft ordinance.

Mr. Paini moved to adopt ordinance 49-07 and was seconded by Mr. Jarvis. All ayes,

motion carried.

VOTE: AYES: Mr. Paini, Mr. Jarvis, Mr. Donahue, Dr. Bender, Ms. Eisnaugle,

Ms. Mershon, Ms. Turner

NAYS:

RESOLUTIONS:

1st Reading

Sponsor: Dr. Bender

R-08-07A A RESOLUTION AUTHORIZING THE MARKETING BRAND FOR THE VILLAGE

OF CANAL WINCHESTER.

Dr. Bender gave the first reading of the above draft resolution.

2nd Reading

Sponsor: Ms. Eisnaugle

R-07-07C A RESOLUTION TO PRESERVE THE GREEN SPACE OF STRADLEY PLACE AS

OPEN SPACE.

Ms. Eisnaugle gave the second reading of the above draft resolution.

3rd Reading

Sponsor: Ms. Mershon

R-07-07A

A RESOLUTION AUTHORIZING THE LABOR DAY FESTIVAL COMMITTEE TO OPERATE THE ANNUAL "CANAL WINCHESTER LABOR DAY FESTIVAL" ON THE VARIOUS STREETS AND SIDEWALKS OF THE VILLAGE OF CANAL WINCHESTER.

Ms. Mershon gave the third reading of the above draft resolution.

Ms. Mershon moves to adopt Resolution 08-07 and is seconded by Ms. Turner. All ayes,

motion carried.

VOTE: AYES: Ms. Mershon, Ms. Turner, Mr. Paini, Mr. Jarvis,

Ms. Eisnaugle, Mr. Donahue, Dr. Bender

NAYS:

Sponsor: Mr. Donahue

R-07-07B A RESOLUTION TO AUTHORIZE THE VILLAGE STAFF AND THE FAIRFIELD

COUNTY SHERIFF'S DEPARTMENT TO DETERMINE THE BEST PROCEDURES FOR IMPLEMENTING THE USE OF GOLF CARTS AS MOTORIZED VEHICLES

ON VILLAGE STREETS.

Mr. Donahue gave the third reading of the above draft resolution

Mr. Donahue moves to adopt Resolution 09-07, and then withdraws.

Mayor's Report:

Mayor Miller shares the letter from the President Bush's wife, which congratulates the citizens of Canal Winchester on the designation as a Preserve America Community. Mayor Miller thanks Ms. Osborn and Mr. Garrett of the Main Street Association, the Village staff, and the Historical Society.

Additionally, they have met with the larger group of the Joint Economic Development Agreement. The agreement is moving along and will be brought up in the next meeting.

The Commercial Standings Committee met and made some recommendations for their final report. The High St. crosswalk has been improved. The total construction of High St. cannot be completed because of its impact on the future of Columbus St. reconstruction. Some options are being pursued to avoid the loss of trees in the area. Also, locations for a parking lot are being considered. Storm water management strategies are being incorporated as well. Preserving the trees is an important part of preserving the historical virtues of the village.

Public Works Director:

Mr. Peoples presented that the new water treatment plant is now operating. The staff and contractor at the plant are working very hard. There have been very few complaints during the switch, and they are continually under budget.

They are in the process of updating the Five-Year Community Investment Plan. Suggestions for 2012 can be submitted by Council.

Franklin County Engineers will be working on Washington St. as part of a maintenance effort.

ODOT has replaced all of the guard rails on Gender Rd. from I70 to the county line. They also added a concrete median strip at the U.S. 33 Gender Road north bound off ramp.

Mayor Miller asked the Council's permission to travel to Pickerington's Council meetings to thank them for their 300,000 galloons/day water allotment. Council supports the idea.

Development Director:

Mr. Strayer has submitted some materials to the Columbus Crew, and is still waiting to hear back from them on a timeline for a site selection. He is also hoping to receive the Office Development submittal by September. He is now looking at about 20-25,000 sq. ft. of office and 15,000 sq. ft. of retail in the same complex.

He is meeting with Central Ohio CIC for the Marathon station on Friday, and they have found some new funding sources through the EPA, the Ohio Department of Development and the Ohio Department of Commerce.

He has met with the developer for the Davis paint site, who shared his vision for development of the area. They plan to meet again to discuss building designs.

Village Solicitor's Report:

A request was made for an Executive Session to review personnel issues and for pending or threatening litigation.

The letter from James Rarey is discussed. The letter implies that he has information about the Pfeifer property that Council has not reviewed. They plan to ask him to produce the documentation.

Fairfield County Sheriff's Report:

The new cruiser was ordered and picked up about 3.5 weeks ago. Then they received a call from Ford: the vehicle had been recalled and requires a new part.

This month there were 50 more dispatch calls than last month. A worksheet illustrates the types of calls that they have received. Shoplifting has increased.

Finance Director's Report:

Council will meet again Tuesday, September 4, 2007 at 7:00 PM.

The Village does not have a booth planned for the Labor Day festival.

Council Reports:

Service Committee: Monday, August 20, 2007 at 5:00 PM
Finance Committee: Monday, September 24, 2007 at 5:00 PM
Monday, September 24, 2007 at 6:00 PM
Old Town Committee: Tuesday, September 4, 2007 at 6:00 PM

New Business:

Many complaints have been made regarding trailers parked in the street. The Village has resolved this issue and has been yielding the calls instead of the Sheriff's office since it is a zoning issues and not a criminal issue.

Old Business:

A request for a council member has been made to speak to the Miss Canal Winchester candidates and judges for Saturday, August 25, 2007. Mr. Paini has agreed to do this.

Adjourn to Executive Session:

	All ayes, motion carried.	ssion for personal litigation. Ms. Mersl rner, Mr. Paini, Mr. Jarvis, Ms. Eisn ider	
Time out 9:13 I	PM.		
Adjournment: Mr. Donahue moved to adjourn this meeting of Council and was seconded by Mr. Paini. All ayes, motion carried. VOTE: AYES: Mr. Donahue, Mr. Paini, Dr. Bender, Ms. Eisnaugle, Mr. Jarvis, Ms. Mershon, Ms. Turner NAYS:			
Time out 10:31	PM.		
Nanisa Osborn,	Clerk of Council	John Bender, President	
Date		Jeffrey J. Miller, Mayor	

NOTE: The minutes set forth herein are an extract of the Council meetings. Anyone desiring a transcript of the complete minutes of the Council meeting may obtain the same at a cost of \$10.00 per page.

Administrative Assistant